

10-25-02

1614

SIU 7396
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application of: Kathleen C.M. Campbell
Art Unit: 1614
Serial No.: 09/911,195
Filed: July 23, 2001
Confirmation No.: 2942
For: THERAPEUTIC USE OF D-METHIONINE TO REDUCE THE
TOXICITY OF NOISE
Examiner: Jerome D. Goldberg

October 23, 2002

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,
SIR:

This letter is in response to the Office action dated October 4, 2002, in which an election of species for prosecution on the merits was requested.

Applicant hereby elects, with traverse, species of the formula defined in Claim 2 wherein X is -COOR¹ and Y is -NR²R³. Applicant reserves the right to file divisional applications directed to the subject matter of the non-elected species.

According to M.P.E.P. §809.02(c), an examiner's action subsequent to an election of species should include a complete action on the merits of all claims readable on the elected species and according to M.P.E.P. §809.02(e), whenever a generic claim is found to be allowable in substance, action on the species claims shall thereupon be given as if the generic claim were allowed. Thus, if it is determined that the elected species is patentable, it is incumbent upon the Office to search additional species that fall within any allowable generic claims.

It is not believed that any fee is required by the timely submission of this election. However, the Commissioner is hereby authorized to charge any under payment or credit any over payment of fees to Deposit Account No. 19-1345.

Respectfully submitted,



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